

Revision: HCFA-PM-92-3
APRIL 1992

(HSQB)

Attachment 4.40-A

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OMB No.:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: TENNESSEE

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Survey and Certification Education Program

The State has in effect the following survey and certification periodic educational program for the staff and residents (and their representatives) of nursing facilities in order to present current regulations, procedures, and policies.

The State of Tennessee and the Health Care Facilities (Survey and Certification) Division of the Department of Health provide for educational programs for nursing facility staff and residents (and/or their representatives) as requested or as the need arises. These educational programs may provide information regarding current regulations, procedures, policies and/or any relevant changes as they may affect the nursing facility, nursing facility staff or the residents and/or their total program of care.

TN No. 92-26
Supersedes
TN No. NEW

Approval Date 7/27/92

Effective Date 7/1/92

HCFA ID: _____

Revision: HCFA-PM-92-3
APRIL 1992

(HSQB)

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: TENNESSEE

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for the Investigation of Allegations of Resident Neglect
and Abuse and Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

The State of Tennessee and the Health Care Facilities (Survey and Certification) Division of the Department of Health provide that all complaints and allegations of neglect and abuse and misappropriation of nursing facility resident property are, upon receipt, timely reviewed and investigated by the appropriate offices and/or individuals.

TN No. 92-26
Supersedes
TN No. NEW

Approval Date 7/27/92

Effective Date 7/1/92

HCFA ID: _____

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

Procedures for Scheduling and Conduct of Standard Surveys

The State has in effect the following procedures for the scheduling and conduct of standard surveys to assure that it has taken all reasonable steps to avoid giving notice.

Based on 42CFR Part 488 - Survey and Certification Procedures, the State of Tennessee and the Health Care Facilities (Survey and Certification) Division of the Department of Health provide that all standard surveys to nursing facilities are scheduled in the strictest of confidence and are unannounced. Only a minimum number of individuals as necessary have prior knowledge of the location and scheduled date of a survey. Any individual found to have divulged to any member of the nursing facility administration or staff or resident or other individual of a scheduled survey will be found to be in violation of federal regulations and state statute, Tennessee Code Annotated Number 68-11-806(a) and will be subject to a civil monetary penalty of not more than two thousand dollars (\$2,000) for disclosure of such information.

TN No. 92-26
Supersedes
TN No. NEW

Approval Date 7/27/92

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

Programs to Measure and Reduce Inconsistency

The State has in effect the following programs to measure and reduce inconsistency in the application of survey results among surveyors.

The State of Tennessee and the Health Care Facilities (Survey and Certification) Division of the Department of Health provide that the following activities are used in measuring and reducing inconsistency in the application of survey results among surveyors:

- proficiency testing of survey staff;
- review of survey results by supervisory staff;
- surveyor training programs;
- distribution to all surveyors, Federal Transmittal letters as well as all other related, appropriate correspondence and regulations;
- maintaining open communication channels between survey staff and supervisory staff; and
- maintaining open communication channels between State agencies and regional offices.

TN No. 92-26
Supersedes
TN No. NEW

Approval Date 7/27/92

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ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for Investigations of Complaints and Monitoring

The State has in effect the following process for investigating complaints of violations of requirements by nursing facilities and monitors onsite on a regular, as needed basis, a nursing facility's compliance with the requirements of subsection (b), (c), and (d) for the following reasons:

- (i) the facility has been found not to be in compliance with such requirements and is in the process of correcting deficiencies to achieve such compliance;
- (ii) the facility was previously found not to be in compliance with such requirements and has corrected deficiencies to achieve such compliance, and verification of continued compliance is indicated; or
- (iii) the State has reason to question the compliance of the facility with such requirements.

The State of Tennessee and the Health Care Facilities (Survey and Certification) Division of the Department of Health provide that there is in place a process by which a complaint of a violation of requirements of nursing facilities may be reported, reviewed in a timely manner, investigated and monitored as deemed necessary.

TN No. 92-26
Supersedes
TN No. NEW

Approval Date 7/27/92Effective Date 7/1/92

HCFA ID: _____